

# • COLORADO RIVER • AQUEDUCT NEWS

THE METROPOLITAN WATER DISTRICT



OF SOUTHERN CALIFORNIA

Vol. XII

March 31, 1945

No. 3



Senator Hiram W. Johnson



Senator Sheridan Downey

## Senator Johnson Reveals Many Evils In Texas-Mexican Water Trade Scheme

Chairman Tom Connally of Texas, willing and eager to obtain Mexican water from the Rio Grande at the double cost of Colorado River water users, rail-roaded the proposed treaty through his Foreign Relations Committee during February. Thereafter, Senator Hiram Johnson of California and Senator Henrik Shipstead of Minnesota filed early in March a minority report. This report exposed the false statements of the treaty proponents and the deep-seated evils of the treaty.

Here are a few excerpts from the report:

The treaty allots to Mexico a minimum of 1,500,000 acre-feet of water per annum. Such allotment is guaranteed

and will constitute a first right on the river. It is to be delivered according to a prescribed schedule. Water reaching Mexico outside the schedule, even if used by Mexico, will not be credited on the treaty obligation of the United States.

The allotted amount is double the amount that Mexico could or did use from the natural, unregulated flow of the Colorado River prior to the construction of Boulder Dam. The peak annual use of such unregulated flow was 750,000 acre-feet. Because of wide variations in flow of the unregulated river, that use could not be sustained in all years. In 1932, for instance, only

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## Sen. Downey Spikes False Treaty Claims

Debate on the proposed Mexican treaty opened in the Senate on March 16. It was then set aside for one week while the Senate took up other matters. On March 23, consideration of the treaty was resumed and Senator Sheridan Downey took the floor. In a powerful, devastating speech he revealed the utter disregard for truth on the part of the treaty promoters and the unjust and unfair provisions of the proposed treaty.

First of all, Senator Downey presented an unanswerable argument against the treaty promoters' contention that unless the treaty promptly is ratified, the Mexican landowners will build up "rights" to Colorado River water beyond that given by the treaty.

In opening his address, Senator Downey said:

"Mr. President, I might open my remarks on the pending treaty by saying that I sat through most of the hearings before the Committee on Foreign Relations while it was considering the treaty. It happened that I had practiced irrigation law for a considerable period of time in the West, and had made a concentrated study of the treaty and the Colorado River extending over many months' time. I heard misstatement after misstatement made in the committee hearing, both on law and on fact. I heard the most optimistic assumptions made; I heard the wildest kind of speculation engaged in by witnesses so partisan, so extreme, so mistaken as literally to appall me that in these critical times men would indulge in the kind of extreme statements of law and fact as those made.

"We heard the distinguished senior Senator from Texas (Mr. Connally)

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**AQUEDUCT NEWS**  
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306 West Third St.  
 Los Angeles, California

*Published monthly in the interest of  
 Field and Office Workers on the Colorado  
 River Aqueduct, and for the information  
 of all other citizens of the Metropolitan  
 Water District.*

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## Senator Johnson

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230,000 acre-feet were used.

All increases in use in Mexico above 750,000 acre-feet per annum are made possible by Boulder Dam. That dam, alone, makes possible dependable and regulated deliveries of water on the lower river.

The Boulder Dam was built in and by the United States for the declared purpose of conserving water for uses "exclusively within the United States" (Boulder Canyon Project Act, sec. 1). That declaration was intended to and should settle for all time any claim of any foreign power to the use of water conserved by the Boulder project.

There are more lands in the United States economically available for development by use of the waters of the Colorado River than can be supplied with water, even if all of the flow of the river be brought under control and used within our own borders. Every acre permanently developed in Mexico under treaty rights means that an acre in the United States must remain forever desert.

### Creates Problems

The treaty, so far as the Colorado River is concerned, will aggravate the very problems it purports to settle. Under conditions as they now exist the amount of water useful to Mexico is under the control of the United States. Without the treaty—that is, without the aid of diversion works wholly on the American side of the boundary, without controlled delivery from American reservoirs in accordance with Mexico's irrigation requirements, without leave to build diversion works partially within the United States—Mexico physically cannot use from the Colorado River the amount of water allotted to her in the

treaty. With these privileges, however, which are granted by the treaty and would not otherwise exist, Mexico can and will use vastly more than the guaranteed quantity of water. In the treaty the United States undertakes to cooperate and aid in such increased use. Because of the relative ease and lower cost of development such uses will be brought about more rapidly in Mexico than will development in the United States. Although the treaty purports to limit Mexico's legal rights, the result will be to build up, with American aid and cooperation granted by the treaty, an extensive agricultural and urban civilization in Mexico, prior to the time when full use of water in the United States can be developed. The time will come when it will be necessary to reduce such uses in Mexico. Mexico will appeal to the generosity of the United States to renegotiate the legal limit. The resulting international problems will be much more difficult of solution under conditions brought about by the treaty than they would be if the officers and representatives of the United States would devote themselves to the protection of American rights and natural resources, rather than to the building up of conflicting uses in Mexico.

### Vast Powers Granted

The treaty authorizes in perpetuity the making of "agreements" having the effect of treaties but without Senate ratification or any approval except that of the Secretary of State. These agreements are not limited to boundary or water matters. A glaring example of this is that the Commission is expressly authorized to make an agreement between the two nations allocating and distributing the waters of the Tia Juana River system. This typical subject for a treaty is thereby finally transferred to the Executive without any opportunity for Senate review.

The Commission consists of two sections, American and Mexican, each headed by an engineer-commissioner. The Commission is given the status of an international body. This places the Commission beyond the jurisdiction of the courts. It is claimed that the American section and the Secretary of State, and their agents, are subject to the control of the courts. The United States Supreme Court holds to the contrary.

The Commission is specifically given the totally unprecedented power to "execute" its own decisions. This power is given to avoid the effect of decisions of

the Solicitor General and the Attorney General that the International Boundary Commission must enforce its decisions through the courts.

There is nothing in the treaty specifically making works, which the Commissioners agree to build, contingent upon appropriations by the Congress. On its face, the treaty vests in the Commissioners, with the approval only of the Secretary of State, the power to obligate the two Governments to such undertakings and expenditures as the Commissioners see fit to agree upon. By this process the United States can be committed to unlimited expenditures.

There is a shocking lack of provision for control of funds of the International Commission resulting from sale of water and power.

Nothing in the treaty requires reimbursement of the United States for expenditures on works built thereunder.

There is no provision for any accounting of funds.

### Harmful to Labor

Organized labor has protested article 20 of the treaty, which sets aside, in perpetuity, the laws, rules, and regulations governing the importation of Mexican laborers for work on the vast construction projects of the Commission and the American section of the Commission. The majority report confines its comments to pointing out what it calls the "advantages" of having the treaty override the present Mexican law requiring the employment of Mexican labor in Mexico. It leaves the inference that the present policy in Congress as reflected in various acts prohibiting the employment of other than American citizens by any Government agency, will continue. But it fails to explain why a treaty provision potent enough to override Mexican labor laws will not at the same time override American labor laws.

### Veterans' Rights

Section 9 of the Boulder Canyon Project Act authorized the withdrawal from entry of all public lands below Boulder Dam, found by the Secretary of the Interior to be practicable of irrigation by works authorized by the act, and provided for the reopening of such lands to entry, with a preference to honorably discharged veterans of the armed forces of the United States. None of the land so withdrawn has been reopened. The pending treaty, by reducing the amount of water available for

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## • MONTHLY REPORT •

(EDITOR'S NOTE: The following is a brief summary of some of the activities of the District as set forth in the monthly report of General Manager Julian Hinds filed with the Board of Directors in March, 1945 covering work done in February, 1945)

### Operation and Maintenance

*General*—Plans were submitted by the U. S. Reclamation Bureau for a diversion structure and meter to be constructed at the west portal of San Jacinto tunnel for the projected San Diego supply line. Upon review of the plans, several changes in design were recommended in order to meet District requirements.

Members of the staff attended the hearings on the Mexican water treaty before the Senate Foreign Relations Committee in Washington, D. C.

The power demand of Basic Magnesium, Inc. in February varied from a maximum of 16,200 kw to a minimum of 6,581 kw. Total energy delivered to B.M.I. was 7,239,375 kwhr compared with 11,228,625 in January.

*Parker Dam*—Maximum water surface in Lake Havasu during February was at elevation 446.8 feet and minimum 446.0. Discharge of the Colorado River at Parker Dam averaged 19,531 cubic feet per second, compared with 19,423 in January.

*Parker Power Plant*—The Parker power system was in parallel with the District system about 64 per cent of the time. Energy delivered to the Parker system amounted to 5,055,975 kwhr and received from Parker 10,000 kwhr.

*Main Aqueduct*—Normal patrol was maintained and reservoirs, canals, siphons, conduit, and other aqueduct features were inspected.

*Pumping Plants*—Pumping during February was for short periods only to test equipment and maintain reservoir storage. Regular maintenance work was performed at all plants, on the transmission and telephone lines, and on patrol roads.

*Distribution System*—Usable storage at Lake Mathews on February 28 was 76,139 acre feet with water level at elevation 1,342.25 feet. Decrease in storage amounted to 688 acre feet and drop in water level 0.40 foot. Flow of Colorado River water through the softening and filtration plant averaged 23.1 cubic feet per second or 14,910,000 gallons per day compared with 13,895,000 in January. The average influent water hardness of 363 ppm was reduced to 111 ppm. Chemical, bacteriological,

and plankton analyses were made of water samples from the main aqueduct and distribution system. During the month softened water was delivered to Anaheim, Beverly Hills, Compton, Fullerton, Long Beach, Los Angeles, Santa Ana, Santa Monica, Torrance and the Coastal Municipal Water District.

*Office Engineering and Design*—Plans were prepared for a water tank and necessary piping at the Eagle Rock control structure for use in conjunction with pumping water for chlorine solution feed, watering the area, and fire protection. Details were prepared for a slide gate to be installed in the zeolite softener influent channel at the softening plant. Required blueprinting, photographic, and photostatic work was performed.

*Hydrography*—The Senate Committee hearings on the Mexican water treaty were attended in Washington, D. C. Usable storage in Lake Mead on February 28 was 18,772,000 acre feet with water level at elevation 1155.75 feet, or 65.65 feet below the top of the spillway gates. The decrease in storage for the month was 684,000 acre feet and drop in water level 5.52 feet. The water level in Lake Mead is now at the lowest point reached in any year since the first filling of the reservoir. Discharge at Boulder Dam averaged 19,670 cubic feet per second in February, compared with 20,110 in January.

*Employment*—In February the personnel office filled 8 classified positions and recorded 6 terminations, 8 employment contracts and 53 interviews.

*Right of Way*—One reverse lease of land adjoining the spur track to the softening plant was made in February. There are now in effect 3 leases, 41 reverse leases, 10 rentals and 3 reverse rentals. Picking of fruit was completed on the experimental plot of the citrus groves.

*Purchasing*—During February the division issued 171 purchase orders in the total amount of approximately \$14,850.00. Carload forwardings consisted of one car of soda ash and 29 cars of sodium chloride to the softening and filtration plant. Cash salvage sales for the month amounted to \$26.58. The appraised value of salvage stock on hand at the end of the month was \$252,901.93.

## Senator Downey

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open the treaty argument several days ago, and he reiterated and repeated many of those incorrect assumptions and inaccurate statements of alleged fact.

"Apparently it was the claim of the State Department that Mexico should be given this 1,500,000 acre-feet of water because she was now using it, and that she gained a right to that much water under the doctrine of prior appropriation and beneficial use. I cannot believe that the distinguished junior Senator from Colorado (Mr. Milliken), able and noted lawyer that he is, is not familiar with the unanimous, uncontested, wise, and logical rule of the West, that there is no appropriate right to the stored waters of a reservoir. That is simple a b c to any lawyer in the West who knows irrigation law. We could not build one of our great projects if the builder of it did not have 5, or 10, or 25, or 50 years in which to apply the water to the selected lands.

"I say it is a harsh, cruel, inaccurate doctrine which would say that if we in the United States, on our own reservoir site, expend our own toil and money to build a reservoir to store our own water, falling on our own soil, that thereafter citizens of another country by grabbing that water more quickly and more easily than we could, could strip us of our right. Such a doctrine cannot be defended and upon it the grant to Mexico of 1,500,000 acre-feet from the Colorado is wholly based.

"There is no such doctrine in the United States. The Supreme Court of the United States and the courts of the various States have condemned it, and I say we can only apply this doctrine to Mexico if we are willing to give her a much higher right in our reservoirs, built on our own soil, by ourselves, than we give to our own people.

"All the cases in the United States verify what I have said."

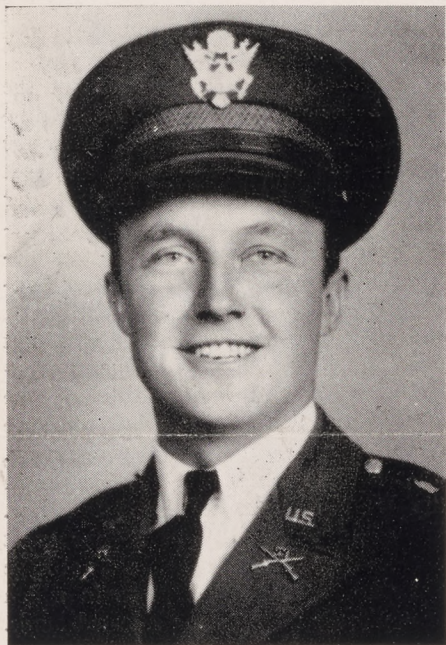
## Senator Johnson

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use in the United States will drastically restrict the opportunities of returning veterans. Lands which might otherwise furnish them farms and homes would be useless because of lack of a dependable water supply. It is the duty of the United States to keep the pledge of Congress to its veterans and to protect the opportunities of its soldiers and sailors when they return to civil life.



# NEWS FROM FIELD AND OFFICE



Captain William F. O'Brien  
1915—1944

To a reward far greater than his American debtors could ever provide has gone the glorious soul of Captain William (Bill) O'Brien. Bill O'Brien was with the District in the Mail and Files in the early '30's. As a Reserve Officer he was in the Army in 1940, and was in the Philippines as early as September 1941. When the Jap hordes came in January 1942, he was captured on Mindanao. He was then aide to General Sharpe. On September 7, 1944, after more than two years of torture as a military prisoner, he was being transported to another island by the savage Japs. The Jap freighter in which he and 750 other American soldiers were confined below decks was torpedoed by an American submarine. Capt. O'Brien was lost. Only this March did a confirmed report of his sacrifice reach his family and friends in California.

As of March 30, employees of the District had subscribed \$1106.32 to the American Red Cross 1945 War Fund, exceeding 1944 subscriptions by \$192.08. Although complete returns have not yet been made by all public employee divisions of this area, it seems certain that M.W.D. employees once again shall have the distinction and satisfaction of turning in the highest average subscription of any public organization. This was achieved in spite of the fact that a number of District employees made contributions through their local chapters.

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Mrs. Dorothy Robertson, who was the District's Assistant Treasurer at the time of her resignation in December, was guest of honor on Sunday, March 18, at a luncheon and baby shower given by Edith Mallery, Nadene Cherry and Anita Trudeau. Twenty-three guests were present at the shower, and many lovely gifts were presented in anticipation of the blessed event.



A farewell party at the Softening Plant for Blanche MacDonald on March 21. After ten years in the District's service, Blanche resigned on March 31 to enjoy an extended vacation on the desert. She has been engaged in secretarial and clerical duties at the Softening Plant for the past three and one-half years. As a gesture of friendship and good wishes, employees at the plant and in the Los Angeles offices presented her with a number of beautiful gifts. Those shown in the party group are (women, left to right) Blanche MacDonald, Marian Crews, Marian Fletcher, Caroline Fryberg, Gladys Davey, Agnes Dunning, Estelle McGee; (men, left to right) Ralph Davis, LeRoy (Pinky) Costello, George Pettigrew, Barrett (Red) Brooks (with glasses), John L. Powell, Lloyd Fox directly behind Hunter Carper (with glasses), Hollis Page, Louis Gilman, Russell Taylor (top of head showing), Robert Remy, Orville Carter, Glenn Mayhew, Harlen Kerr, Ernest Way, James M. Montgomery, Harold Pearson, Lee Streicher (in white coat), William Merrithew, and James (Chris) Parks.